

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

KERRY JOHNSON, et al.

*

Plaintiffs

*

v.

*

Civil Action No. 1:06-cv-408

GEICO Casualty Company, et al.

*

Defendants

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CLASS ACTION

* * * * *

**DEFENDANTS' MOTION FOR LEAVE TO EXTEND
LENGTH OF REPLY BRIEF**

Defendants, GEICO Casualty Company, GEICO General Insurance Company and GEICO Indemnity Company, by their undersigned counsel, hereby move for leave to file a Reply to Plaintiffs' Opposition to Defendants' Motion to Dismiss in excess of the page limitations set forth by D. Del. LR 7.1.3 (a). In support of this Motion, Defendants state:

1. Pursuant to D. Del. LR 7.1.3 , reply briefs shall not exceed twenty (20) pages without leave of Court.
2. On June 30, 2006, Defendants filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 9 and 12(b)(6) seeking dismissal of all nine counts of Plaintiffs' Complaint and Plaintiffs' class allegations.
3. In response to Defendants' Motion, Plaintiffs filed, with the Court's permission, a fifty-one (51) page answering brief (approximately ten pages over the limit of 40 pages) and filed a Motion for Leave to File an Amended Complaint. The Amended Complaint includes substantial additional detail regarding the nature of Plaintiffs' claims. Plaintiffs' Amended Complaint also included numerous exhibits which were not a part of

Plaintiffs' original Complaint. Plaintiffs relied upon the allegations set forth in the Amended Complaint throughout their Answering Brief in opposition to Defendants' Motion to Dismiss.

4. Because Plaintiffs have filed an Amended Complaint which sets forth substantial additional detail with regard to Plaintiffs' claims, attached new exhibits to their Amended Complaint to support their allegations and filed a lengthy Answering Brief in opposition to Defendants' motion, Defendants request that the Court grant them leave to file a Reply brief totaling 33 pages, exclusive of tables of contents and authorities. Defendants believe that the page limitations set forth in Del. L.R. 7.1.3. will prejudice their ability to respond adequately to Plaintiffs' arguments.

5. On September 22, 2006, Defendants contacted Plaintiffs' counsel regarding Defendants' request to extend the length of Defendants' Reply brief. Counsel for Plaintiffs had no objection to Defendants' request.

WHEREFORE, Defendants respectfully request that they be permitted to submit a Reply to Plaintiffs' Opposition to Defendants' Motion to Dismiss not to exceed 33 pages in length.

/s/ Gary Alderson

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Dated: September 26, 2006

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of September, 2006, a copy of the foregoing was served electronically and/or by first class mail, postage prepaid, to:

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Attorneys for Plaintiffs

/s/ Gary Alderson

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